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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/589,446

07/06/2007

Rudi Ulzheimer

71,049-035

7043

27305

7590

07/07/2010

HOWARD & HOWARD ATTORNEYS PLLC

450 West Fourth Street

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EXAMINER

CAIN, EDWARD J

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

07/07/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/589,446	Applicant(s) ULZHEIMER, RUDI	
	Examiner Edward J. Cain	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 10, 11 and 13-15 is/are rejected.
- 7) ☒ Claim(s) 2-9, 12, 16 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The amendment received 7 April 2010 has been made of record. Claims 1-16 and 18 are pending.

The rejections under 35 USC 101 and 35 USC 112 set forth in the previous office action are withdrawn in view of applicants' amendment.

The indicated allowability of claims 1-16 and 18 contained in the previous office action is withdrawn in view of the discovery of new prior art.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 10-11 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al '853 in view of Bosch et al '137.

Yoshida et al disclose silicone rubber compositions prepared by mixing alkenyl group containing polysiloxanes which may be end blocked with triorganosiloxy groups (column 2, lines 20 and 49-50). These polysiloxanes are taught as having viscosities of 100 to 1,000,000 centipoise at 25 C and are, therefore, seen as inherently meeting applicants' claimed "more than 40 siloxane units" limitation.

The reference further teaches the incorporation of fumed silica which has been treated with hexamethyldisilazane hydrophobing agent (column 5, lines 29 and 37). Since applicants' claims allow for feeding materials as mixtures of one or more of materials (i)-(iii), the pretreated silica of the reference is seen as falling within the scope

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of applicants' claims. The further addition of common additives such as curing agents and catalysts is also taught.

The reference teaches the use of planetary mixers for the mixing operation but fails to explicitly teach applicants' claimed mixer.

Bosch et al, however, teach multiple stirrer planetary mixers suitable for high viscosity mixtures. These mixers may comprise 2 or 3 helical stirrers (column 1, lines 52-53 and abstract) and are taught as having the ability to push additives downward for faster mixing (column 4, lines 20-22). The reference further exemplifies the use of these mixers on silicone oil and silica.

Therefore, it would have been obvious to one of ordinary skill in the art to utilize the planetary mixers taught by Bosch et al for producing the polysiloxane rubber compositions of the primary reference when the advantages taught by the secondary reference were desired.

Claims 2-9, 12, 16 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward J. Cain whose telephone number is (571) 272-1118. The examiner can normally be reached on M-F, 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Edward J. Cain
Primary Examiner
Art Unit 1796

/Edward J. Cain/
Primary Examiner, Art Unit 1796